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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,335	05/05/2005	Erich Reitingner	8074-25 (P18005 SB/gra)	2375

22150 7590 04/27/2009  
F. CHAU & ASSOCIATES, LLC  
130 WOODBURY ROAD  
WOODBURY, NY 11797

EXAMINER
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GRAVINI, STEPHEN MICHAEL

ART UNIT	PAPER NUMBER
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3743

MAIL DATE	DELIVERY MODE
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04/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/511,335	REITINGER, ERICH	
	<b>Examiner</b>	<b>Art Unit</b>	
	Stephen M. Gravini	3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 9-12,14-19 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Those claims recite “the fed-in fluid” which is construed to be indefinite because it lacks a positive antecedent basis from an earlier recitation in the claims. Reciting “a fed-in fluid” would over come this rejection.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Those claims recite “the fed-in fluid” which is construed to be indefinite because it lacks a positive antecedent basis from an earlier recitation in the claims. Reciting “a fed-in fluid” would over come this rejection.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kamikawa (US 5,369,891). The claims are reasonably and broadly construed, in light of the accompanying specification, as being disclosed by Kamikawa as comprising:

preparing a space which is essentially enclosed by a container and has a wafer/hybrid holding device which is located therein and has the purpose of holding a semiconductor wafer and/or hybrid (column 3 lines 18-30); and

conducting a dry fluid through the wafer/hybrid holding device in order to temperature regulate the wafer/hybrid holding device (column 3 lines 44-55);

the fed-in fluid being conducted into said wafer/hybrid holding device from outside the space via a first line (figure 3);

wherein at least a portion of the fluid having left the wafer/hybrid holding device is used to condition the atmosphere within the space (column 4 lines 10-39);

wherein the portion is firstly temperature regulated outside the space and then conducted back into the space via a further line (column 4 lines 54-60);

wherein the portion is temperature regulated by being used for precooling the fed-in fluid in a heat exchanger out side the space, before being allowed to flow out within the space (column 5 lines 1-16 and column 5 lines 4-42). Kamikawa also discloses the claimed portion is firstly heat-treated and then allowed to flow out within the space (column 3 line 45), characterized in that the portion is heat-treated outside the

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space and then fed back to the space (figure 2), characterized in that the portion is allowed to flow out within the space directly after it leaves the wafer/hybrid holding device (figure 3).

***Claim Rejections - 35 USC § 103***

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagi et al. (US 6,473,993) in view of Kamikawa. The claims are reasonably and broadly construed, in light of the accompanying specification, as being disclosed by Yagi as comprising:

preparing a space which is essentially enclosed by a container and has a wafer/hybrid holding device which is located therein and has the purpose of holding a semiconductor wafer and/or hybrid (column 3 lines 10-70); and

conducting a dry fluid through the wafer/hybrid holding device in order to temperature regulate the wafer/hybrid holding device (column 3 lines 27-49);

the fed-in fluid being conducted into said wafer/hybrid holding device from outside the space via a first line (column 3 lines 50-65);

wherein at least a portion of the fluid having left the wafer/hybrid holding device is used to condition the atmosphere within the space (column 3 line 66 through column 4 line 12). Yagi also discloses the claimed at least one of the first and second portions can be regulated in terms of flow rate and heat treated portion that is used for precooling the fluid, outside the space before said portion is allowed to flow out within the space at column 4 lines 26-53). Yagi discloses the claimed invention, except for the claimed steps wherein the portion is firstly temperature regulated outside the space and

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then conducted back into the space via a further line and wherein the portion is temperature regulated by being used for precooling the fed-in fluid in a heat exchanger out side the space, before being allowed to flow out within the space. Kamikawa, another semiconductor/wafer conditioning device, discloses wherein the portion is firstly temperature regulated outside the space and then conducted back into the space via a further line (column 4 lines 54-60) and wherein the portion is temperature regulated by being used for precooling the fed-in fluid in a heat exchanger out side the space, before being allowed to flow out within the space (column 5 lines 1-16 and column 5 lines 4-42). It would have been obvious to one skilled in the art to provide the teachings of Yagi, with the disclosed features, disclosed in Kamikawa, for the purpose of providing an efficient and cost effect means of controlling temperature and flow.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 3-19 and 21 have been considered but are moot in view of the new ground of rejection.

Since claims 9-21 are withdrawn, they are not examined on the merits.

### ***Conclusion***

Other prior art references cited with this action disclose one or more features of the claimed invention, but are not relied upon in rejecting the claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/  
Primary Examiner, Art Unit 3743